

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD BASKETT,

Plaintiff,

v.

KEVIN BOVENKAMP,

Defendant.

Case No. C06-5150RJB

ORDER ADOPTING
REPORT AND
RECOMMENDATION OF
THE MAGISTRATE
JUDGE AND
DISMISSING
COMPLAINT PURSUANT
TO 28 U.S.C. §
1915(e)(2)(B)

This matter comes before the court on the Report and Recommendation of the Magistrate Judge. Dkt. 11. The court has considered the relevant documents and the remainder of the file herein.

On March 15, 2006, plaintiff filed a civil rights action, alleging that Mr. Bovenkamp, acting regional administrator of the West Central Region of the Department of Corrections, violated his rights to Due Process and Equal Protection when he failed to assign plaintiff a different probation officer. Dkt. 1. Plaintiff has been granted *in forma pauperis* status. The magistrate judge has twice afforded plaintiff the opportunity to file an amended complaint, after informing plaintiff that he has no constitutional right to having a certain probation officer assigned to him. Dkt. 6 and 9. Apparently, plaintiff believes that his current probation officer conducted an illegal search and is therefore biased against him. The issues regarding the alleged illegal search are not before this court in this proceeding.

1 On June 29, 2006, the magistrate judge issued a Report and Recommendation, recommending that
2 the court dismiss the complaint with prejudice because plaintiff had not complied with the court's orders
3 directing him to file an amended complaint. Dkt. 11.

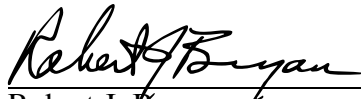
4 The court concurs with the recommendation of the magistrate judge. Plaintiff has not alleged facts
5 sufficient to support either a Due Process or an Equal Protection claim. He has failed to comply with the
6 court's orders informing him of the deficiency in his complaint and directing him to file an amended
7 complaint. The complaint should be dismissed as frivolous and for failure to state a claim, pursuant to 28
8 U.S.C. § 1915(e)(2)(B).

9 Therefore, it is hereby

10 **ORDERED** that the Report and Recommendation is **ADOPTED**. Plaintiff's complaint and cause
11 of action are **DISMISSED**, pursuant to 28 U.S.C. § 1915(e)(2)(B).

12 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
13 party appearing *pro se* at said party's last known address.

14 DATED this 26th day of July, 2006.

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17 Robert J. Bryan
18 United States District Judge
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